

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

IN RE:)
) Chapter 7
HOWARD STANLEY KIRK QUICK and) Case No. 22-50468
AUDREY KAY QUICK,)
)
Debtors.)
)

**MOTION TO REOPEN CASE AND TO ORDER
APPOINTMENT OF TRUSTEE**

John P. Fitzgerald, III, the Acting United States Trustee for Region Four, by counsel, moves this Court to reopen this case and to order the appointment of a trustee, and in support of the Motion states:

1. This case was filed as a voluntary chapter 7 on October 20, 2022.
2. Robert Stevens was appointed Chapter 7 Trustee.
3. The trustee filed a Report of No Distribution on December 28, 2022.
4. The Debtors received a discharge on February 7, 2023.
5. The case was closed on February 7, 2023.
6. The United States Trustee wishes to reopen the case for the purpose of filing a

Motion for Review of Attorney's Fees under Section 329 of the Bankruptcy Code against Gardner Legal, LLC d/b/a Option 1 Legal. Gardner Legal, LLC represented the Debtors with regard to pre-petition debt settlement matters.

7. Section 329(b) provides that if the Court determines that an attorney has received excessive compensation it may order a return of payments by the debtor to the debtor's estate or the entity that made such payment.

8. Pursuant to Section 350(b) “a case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause.” 11 U.S.C. § 350(b).

9. It would be in the best interests of the parties to this case to permit the case to be reopened so that the United States Trustee may bring a Motion to Review Attorney’s Fee and to order the appointment of a trustee in the event the Motion results in payment to the estate.

10. The United States Trustee requests that the Court waive the reopening fee in accordance with 28 U.S.C. § 1930(b) and the Bankruptcy Court Miscellaneous Fee Schedule effective December 1, 2020 (the “Bankruptcy Fee Schedule”). *See* Bankruptcy Fee Schedule opening bullet point (“The United States should not be charged fees under this schedule, with the exception of those specifically prescribed in Items 1, 3 and 5 [copying, audio duplication and record search fees] when the information requested is available through remote electronic access.”).

11. The United States Trustee requests that the Court order the appointment of a trustee. However, the United States Trustee does not believe that any further Section 341 meeting is required.

WHEREFORE the United States Trustee respectfully requests that this Court reopen this case, waive the fee associated with reopening, order the appointment of a trustee herein, and for such other and further relief as the Court shall deem necessary and just.

Dated: March 30, 2023

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Respectfully submitted,

JOHN P. FITZGERALD, III,
ACTING UNITED STATES TRUSTEE

By: /s/ B. Webb King

CERTIFICATE OF SERVICE

I certify that on March 30, 2023, I served this pleading by filing it, causing same to be transmitted to all users registered to receive notice through the Court's CM/ECF system.

/s/ B. Webb King